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2011V02336

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

Plaintiff,

- against -

DECLARATION OF ASSISTANT
U.S. ATTORNEY TANYA Y.
HILL IN SUPPORT OF
APPLICATION FOR ENTRY OF
DECREE OF FORFEITURE AND
ORDER OF DELIVERY

ANY AND ALL RADIO TRANSMISSION
EQUIPMENT, RADIO FREQUENCY POWER
AMPLIFIERS, RADIO FREQUENCY TEST
EQUIPMENT AND ANY OTHER EQUIPMENT
ASSOCIATED WITH THE TRANSMISSION ON
106.5 MHZ, LOCATED AT 1720 BEDFORD
AVENUE, BROOKLYN, NEW YORK,

Civil Action No.
CV 11-6082

(Townes, J.)

Defendants In Rem.

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Tanya Y. Hill, hereby declares as follows:

1. I am an Assistant United States Attorney for the Eastern District of New York, of counsel to Loretta E. Lynch, United States Attorney for the Eastern District of New York, counsel for the United States of America, the plaintiff in this in rem forfeiture action. The information contained in this declaration is based upon personal knowledge and upon the files and records maintained by the United States.

2. This declaration is respectfully submitted in support of the United States' application for a Decree of Forfeiture and Order for Delivery with respect to the defendants in rem, i.e., radio station transmission equipment, radio

frequency power amplifiers, radio frequency test equipment and any other equipment associated the transmission on 106.5 MHZ, located at 1720 Bedford Avenue, Brooklyn, New York, (hereinafter, the "Defendant Radio Station Equipment").

3. Facts in support of the forfeiture of the Defendant Radio Station Equipment are set forth in detail in the Verified Complaint In Rem (the "Complaint"), which was filed on or about December 14, 2011. In the Complaint, the government seeks forfeiture of the Defendant Radio Station Equipment pursuant to 47 U.S.C. § 510. A copy of the Complaint is annexed hereto as Exhibit 1.

4. On or about December 14, 2011, the Court issued a Warrant for Arrest of Articles in rem pursuant to Supplemental Rule G(3) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions (hereinafter, "Supplemental Rule") and a Writ of Assistance, thereby authorizing the United States to arrest and seize the Defendant Radio Station Equipment in this action. A copy of the Warrant for Arrest of Articles in rem (hereinafter the "Warrant") and the Writ of Assistance is annexed hereto as Exhibits 2 and 3.

5. On or about February 27, 2012, pursuant to Supplemental Rule G(4)(b)(ii)(A), the United States sent notice, along with a copy of the Verified Complaint in rem and Warrant for Arrest of Articles in rem, to potential claimants, Moshe Kornblitt ("Mr. Kornblitt") and Fieldbridge Associates LLC

("Fieldbridge"), via certified U.S. Mail. A copy of the Certificate of Service is annexed hereto as Exhibit 4. A copy of the signed return receipts from Mr. Kornblitt and Fieldbridge are annexed hereto as Exhibit 5.

6. In addition, on March 26, 2012, the United States filed a Notice of Publication, certifying that notice of this civil forfeiture action was published on an official government website for thirty consecutive days, between February 23, 2012 and March 23, 2012, as required by Rule G(4)(a)(iii)(B) of the Supplemental Rules. A true and correct copy of the Notice of Publication is attached hereto as Exhibit 6.

7. To date, neither Mr. Kornblitt nor Fieldbridge nor anyone else has filed a claim to the Defendant Radio Station Equipment, or an answer to the Complaint, and the time to do so has expired. Moreover, there is no reason to believe that any person having an interest in the Defendant Radio Station Equipment is an infant or incompetent or is presently engaged in military service.

8. Pursuant to Rule G(4)(b) of the Supplemental Rules, any person who receives direct notice of this action, such as Mr. Kornblitt or Fieldbridge, must file a claim within the time provided in the government's notice, which must be at least thirty-five (35) days from the date notice is sent. The notice sent to Mr. Kornblitt and Fieldbridge required them to file a claim on or before April 2, 2012. Rule G(5)(a)(ii)(B) further

requires persons claiming an interest in the Defendant Radio Station Equipment to file a claim no later than sixty (60) days after the first day of publication on an official internet government forfeiture website, which would have been April 23, 2012. In addition, any person who files a claim must also serve and file an answer within twenty-one (21) days of filing the claim, pursuant to Rule G(5)(b).

9. In light of the foregoing, the United States respectfully requests that the Court enter an Order noting the default of any and all persons, including Mr. Kornblitt and Fieldbridge, who may have a claim or interest in the Defendant Radio Station Equipment, forfeiting and condemning the Defendant Radio Station Equipment to the United States, and directing the United States Marshals Service and/or the Bureau of Federal Communications Commissions, and its agents, to dispose of the Defendant Radio Station Equipment in accordance with the law.

I hereby declare, under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the foregoing statements are true and correct to the best of my knowledge, information, and belief.

Dated: Brooklyn, New York
August 8, 2012

/s/

Tanya Y. Hill
Assistant U.S. Attorney
(718) 254-6144